

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

<b>IN RE</b>  <b>LEGENDARY FIELD EXHIBITIONS, LLC,</b>  <b>DEBTOR.</b>	§ § § § § §	<b>CASE NO. 19-50900-CAG CHAPTER 7</b>
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<b>DUNDON CAPITAL PARTNERS LLC,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>CHARLES EBERSOL,</b>  <b>Defendant.</b>	§ § § § § § § §	<b>Adversary No. 22-05077-cag</b>  <b>Judge: Craig A. Gargotta</b>
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**JOINT MOTION TO STAY PENDING DEADLINES**

Plaintiff Dundon Capital Partners LLC (“DCP”) and Defendant Charles Ebersol (“Ebersol”) respectfully request this Court stay all remaining deadlines in this adversary proceeding (the “Adversary Proceeding”) while they move to consolidate the discovery schedule with Adversary Case No. 22-05078-cag, *Osherow, in his capacity as Chapter 7 Trustee et al. v. Thomas G. Dundon, et al* (the “Trustee’s Lawsuit”). In support of the Motion, the Parties submit the following:

1. Plaintiff initiated this Adversary Proceeding on November 14, 2022 [ECF No. 1]. Prior to and since the initiation of this matter, counsel for Plaintiff and Defendant engaged in numerous discussions regarding potential consolidation with this case and the Trustee’s Lawsuit.

2. On March 6, 2023, Ebersol filed an Unopposed Motion to Extend Time to Answer, contemplating such consolidation and a comprehensive scheduling order [ECF No. 10]. Ebersol filed his Original Answer later that day [ECF No. 11].

3. On March 30, 2023, the Court entered a Scheduling Order with accelerated deadlines, including a docket call for trial in less than six months for August 1, 2023 [ECF No. 19].

4. The Parties subsequently stipulated to extend the Scheduling Order's deadline for serving initial disclosures until May 30, 2023, awaiting the conclusion of the present motion practice in the Trustee's Lawsuit to address the consolidation issues [ECF No. 21].

5. The parties conferred with the Trustee regarding whether the Trustee consents to consolidating this Adversary Proceeding with the Trustee's Lawsuit. While the Trustee has not consented to a consolidation of the trial on all the claims in the Adversary Proceeding and the Trustee's Lawsuit, the Trustee, as well as the parties to this matter, agree and consent to a consolidated discovery schedule between both matters.

6. Staying the deadlines for this particular Adversary Proceeding, pending the Court's ruling on the anticipated requested consolidated schedule, will preserve the Parties' respective resources and promote judicial economy. There is a tremendous amount of overlap between witnesses, arguments, and evidence. Conservation of both judicial and party resources would be heeded by a consolidated pre-trial discovery reschedule.

7. Staying the remaining deadlines relating to this Adversary Proceeding pending the parties in the Adversary Proceeding and Trustee's Lawsuit submitting a proposed scheduling order would conserve judicial and party resources at this time. *Landis v. North Am. Co.*, 299 U.S. 248, 254-55 (U.S. 1936) (“[T]he power to stay proceedings is incidental to the power inherent in every

court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”); *In re Divine Ripe, L.L.C.*, 538 B.R. 300, 309 (Bankr. S.D. Tex. 2015) (reasoning the proper use of this discretionary power requires, “weighing competing interests and maintaining an even balance.”).

8. Accordingly, the parties move this Court to stay the remaining deadlines in this Adversary Proceeding pending the Court’s ruling on the forthcoming proposed consolidated scheduling order.

WHEREFORE, Plaintiff Dundon Capital Partners LLC and Defendant Charlie Ebersol respectfully request that the Court stay all deadlines in this Adversary Proceeding pending the resolution of the determination of consolidation of the scheduling order for the Adversary Proceeding and the Trustee’s Lawsuit.

Respectfully submitted,

**BELL NUNNALLY & MARTIN LLP**

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**ATTORNEYS FOR DEFENDANT  
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**CERTIFICATE OF SERVICE**

I certify I filed the foregoing document on May 15, 2023. Notice of this filing will be sent by operation of the Court's electronic filing system (ECF) to all parties indicated on the electronic filing receipt.

/s/ Brent D. Hockaday  
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